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EXAMINER

SAX, STEVEN PAUL

ART UNIT PAPER NUMBER

2174

DATE MAILED: 09/12/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/384073

Applicant(s)

Ishiki

Examiner

Sax

Group Art Unit

2174

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Response

A SHORTENED STATUTORY PERIOD FOR RESPONSE IS SET TO EXPIRE 3- MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a response be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for response specified above is less than thirty (30) days, a response within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for response is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to respond within the set or extended period for response will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

6/14/02

- ☒ Responsive to communication(s) filed on _____.
- ☒ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 1-12 is/are pending in the application.
- Of the above claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 1-12 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☒ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been received.
- ☐ received in Application No. (Series Code/Serial Number) _____.
- ☐ received in this national stage application from the International Bureau (PCT Rule 1.7.2(a)).

*Certified copies not received: _____.

Attachment(s)

- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____
- ☐ Interview Summary, PTO-413
- ☐ Notice of References Cited, PTO-892
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Other _____

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DETAILED ACTION

1. This application has been examined.

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sigona (5694150) and White et al (5982351).

4. Regarding claim 1, see Sigona et al: the abstract, Figure 6, column 3 lines 15-25. Note the graphical user interface with input monitoring means for location and actuation of an input device. See also column 3 lines 45-50 and column 10 lines 30-39 and note how a number of consecutive actuations of the input device in a given time interval, as well as duration time of input events, are ascertained. As a result of this interface windowing events are caused (column 6 lines 5-14 and 47-57), which implicitly includes menuing features. Nevertheless, Sigona et al do not specifically show that these input events determine the selection (and subsequent display) of a menu, but only that they determine a windowing event of some sort. The motivation thus

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mentioned in Sigona et al is to ease the burden of input management and make input operations acted upon more efficiently. Now, see White et al: Figure 4, column 5 lines 8-30. This shows the management, selection, and displaying of menus based on input monitored events. Note again in column 5 lines 7-14 and 33-42 that the motivation for this is to ease the burden of input management and to make input operations (such as a single stroke) acted upon more efficiently. It would have been obvious to a person with ordinary skill in the art to do the menu management, selection, and display such as in White et al, on the basis of input monitored events such as the consecutive actuations and input event duration as in Sigona et al, because it would ease the burden of input management and make input operations acted upon more efficiently in a graphical user interface system.

5. Regarding claim 2, in addition to the aforementioned, note in White et al column 3 lines 9-15 the alert message. This is in response to a user input manipulation, and thus would be the indicator of the input events which thus would cause a menu selection as described above.

6. Regarding claim 3, in addition to the aforementioned, see in Sigona et al: Figure 7 and column 5 lines 13-19 and 39-46. The cursor position is determined at each event and if the difference is greater than a threshold, the events are considered not consecutive and the counter (and alert indicator) are not incremented. See column 10 lines 35-45.

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7. Regarding claims 4-5, in addition to the aforementioned, note in White et al column 5 lines 17-22 that the display control positions the cursor on a region of the menu.

8. Regarding claims 6-9, these show the same features as above and are rejected for the same reasons. Note that a duration may be defined as the time between two events. Also, regarding claim 8, note that Sigona et al show a windowing system (column 6 lines 27-34) and White et al show a full menu managing system (column 5 lines 13-17).

9. Claims 10-12 show the same features as above and are rejected for the same reasons.

10. Applicant's arguments filed have been fully considered but they are not persuasive. Applicant's description of invention and prior art is noted. As explained above, Sigona does in fact show monitoring of input device actuations and durations of those actuations, and the subsequent effect on a windowing event. The White et al reference shows the effect that input events have on causing menu display and selection. Thus the crux of the argument lies in the obviousness of combining both references. Whether or not the menus in White et al are predetermined is not relevant as nevertheless it brings out displaying and selecting a menu to ease the burden of input management and process input operations more effectively. That same

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motivation is in Sigona, which provides the specific monitoring techniques of consecutive input actuations and their durations.

11. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

12. Any inquiry concerning this communication should be directed to Steve Sax at telephone number (703) 305-9582.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steve Sax whose telephone number is (703) 305-9582. The examiner can normally be reached on Monday - Friday from 8:30 AM to 5:00 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid, can be reached on (703) 308-0640.

The fax phone numbers for the organization where this application or proceeding is assigned are as follows:

| | |
|----------------|---|
| (703) 746-7238 | After Final Communication |
| (703) 746-7239 | Official Communication |
| (703) 746-7420 | For Status Inquiries, draft communication |

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.



**STEVEN SAX
PRIMARY EXAMINER**